

REMARKS

Claims 1-6 are pending in the above-referenced patent application. Claims 1, 3 and 4 have been amended, and no claims have been added or canceled.

In the Office Action, dated December 28th, 2004, the Examiner objected to claims 3 and 4 for various informalities; rejected claim 4 under 35 U.S.C. 112, first paragraph; rejected claim 1 under 35 U.S.C. 112, second paragraph; and rejected claims 1-6 under 35 U.S.C. 102(e) as being anticipated by Otsuka (U.S. Patent No. 6,324,344). These objections and rejections are respectfully traversed.

The Examiner has objected to claims 3 and 4 for various informalities. Applicants have amended claims 3 and 4, and Applicants believe the amendments obviate the objections. It is respectfully requested that the Examiner withdraw the objections to the claims. It is additionally noted Applicants take no position on the appropriateness of the objection, however, these changes do not affect the scope of claimed subject matter, and no new matter is introduced by these amendments. Likewise, because scope is not affected, there is no prosecution history estoppel.

The Examiner has rejected claim 4 under 35 U.S.C. 112, first paragraph. It is respectfully submitted that there is sufficient support in the specification and figures for the rejected claim. As just an example, beginning in paragraph [0015], figure 1 is described in detail as including a sensing device 12. As stated in paragraph [0017], "In addition, a linear sensing device similar to the one shown in Fig. 3 may also be used as the sensing device 12." Therefore, it is respectfully submitted that there is adequate support in the specification to enable one skilled in the relevant art to make and/or use the subject matter of claim 4. It is respectfully requested that the Examiner withdraw the rejection of claim 4.

The Examiner has rejected claim 1 under 35 U.S.C 112, second paragraph. Applicants have amended claim 1, and Applicants believe the amendments obviate the rejection. It is respectfully requested that the Examiner withdraw the rejection of claim 1. It is noted that the amendments to claim 1 broaden the claim. Additionally, no new matter is introduced by these amendments and because scope is broadened, there is no prosecution history estoppel.

The Examiner has rejected claims 1-6 under 35 U.S.C 102(e) as being anticipated by Otsuka. This rejection by the Examiner is respectfully traversed.

Applicants respectfully submit that Otsuka does not disclose each and every element of the rejected claims, and, therefore, a *prima facie* case under 35 U.S.C. 102(e) has not been established. As just an example, Otsuka does not show or describe production of odd and even compensation values and production of averaged odd-even compensation values, as recited in the rejected claims. It is noted that many other bases for traversing the rejection could be provided, but Applicants believe that this ground is sufficient. It is respectfully requested that the Examiner withdraw the rejection as to claim 1.

Applicants respectfully submit that Otsuka does not disclose each and every element of the rejected claims, a *prima facie* case under 35 U.S.C. 102(e) has not been established, and claim 1 is in condition for allowance. Additionally, claims 2-6 are in a condition for allowance for at least the same reasons as claim 1.

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CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, she is invited to contact the undersigned at (503) 640-6475. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Respectfully submitted,

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